S.B.CIVIL WRIT PETITION NO.4554/2004

Vipin & Ors.
v.
State of Rajastha & Ors.

DATE OF ORDER :: 22nd March, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.P.Choudhary, for the petitioners.
Mr. S.S.Lacrecha, Additional Government Advocate.
Mr. Parikshit Nayak, for the respondents.

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By this petition for writ a direction is sought by the petitioners for the respondents to appoint them as Teachers Gr.III with effect from the date the persons lower in merit to them were employed.

The contention of the petitioners is that Hon'ble Supreme Court in the case of Kailash Chandra Sharma v. State of Rajasthan, AIR 2002 SC 2877, ordered for considering claim of the writ petitioners afresh by excluding 10% and/or 5% marks given on basis of place of residence, accordingly, a merit list was prepared containing the names of the petitioners also but that has not been executed for no just and valid reason.

It is asserted by counsel for the petitioners that non extension of appointment to the petitioners is not only unjust and arbitrary but is also in

violation of the directions given by Hon'ble Supreme Court in the case of Kailash Chandra Sharma (supra).

It is pertinent to note that Hon'ble Supreme Court in the case of Kailash Chandra Sharma (supra) while holding that no bonus marks could be given while making appointments as Teachers on basis of place of residence confined the relief only to the petitioners who moved the High Court for redressal of their grievance.

In the instant matter it is the position admitted that the petitioners approached this Court only after disposal of Kailash Chandra Sharma's case (supra) by Hon'ble Supreme Court. In view of it, no relief can be extended to the petitioners and the writ petition deserves dismissal.

Accordingly, the same is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.